

REMARKS

Status of the claims

Claims 21 and 37-43 are pending and under consideration in this application. All the claims under consideration stand rejected. In addition to the amendments described below, Applicants have amended “early stage” in claim 39 to “early-stage” to make claim 39 consistent with the other pending claims. After entry of the amendments made herein, claims 37-41 will be pending and under consideration in this application, claims 21 and 42-43 having been cancelled.

35 U.S.C. § 112, second paragraph, rejections

Claims 21 and 37-43 stand rejected as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

Claim 21 is cancelled without prejudice to its being presented in a separate application.

In response to the comments on page 2, line 16, to page 4, line 13, of the Office Action, Applicants have amended claims 37-40 to make clear that determining serum creatinine and urinary protein and albumin levels in test subjects are steps of the claims. Moreover, a definition of “reference value” supported by the specification (e.g., at page 9, lines 19-25) has been added to the claims. Because of the latter amendment, claims 42 and 43 have been cancelled.

In view of these amendments, the objection to the lack of antecedent basis for “the test subject not exhibiting proteinuria” in claims 38 and 40 is moot. Nevertheless, Applicants respectfully submit that “the test subject” had antecedent basis in “a test subject” recited earlier in the claims and the phrase at issue served to further define the test subject in the claims.

In light of the above amendments and the comments in paragraphs 8 and 9 on pages 8 and 9 of the Office Action, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

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35 U.S.C. § 103(a) rejection

Claims 21 and 37-43 stand rejected as allegedly being unpatentable over Hoffmann et al.

Applicants assume, in light of the statement in Section 8 at the bottom of page 8 of the Office Action, that the Examiner intended to reject claims 21 and 41-43, and not claims 37-40, under 35 U.S.C. § 103(a).

In view of the cancellation of claims 21, 42, and 43, and the amendment of claim 41 to delete its dependency on claim 21, Applicants respectfully submit that the rejection is moot.

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CONCLUSION


In summary, for the reasons set forth above, Applicants maintain that the pending claims patentably define the invention. Applicants request that the Examiner reconsider the rejections as set forth in the Office Action, and permit the pending claims to pass to allowance.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicants' undersigned representative can be reached at the telephone number listed below.

Enclosed is a request for an automatic extension of time and a check in payment of the extension in time. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 11283-009001.

Respectfully submitted,

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